

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 30, 2004
SAN FRANCISCO, CALIFORNIA**

S110741

PADILLA (ALFREDO A.) ON H.C.
Order to show cause issued

The Director of Corrections is ordered to show cause, when the matter is ordered on calendar, why petitioner should not be granted relief because his right to a fair and impartial jury under the Sixth Amendment to the United States Constitution and article I, section 16 of the California Constitution was violated by a juror prejudging the penalty decision. (*In re Hitchings* (1993) 6 Cal.4th 97; see issue #III.A.3.b.)

Kennard, J., would also issue an order to show cause on subparts A and B of claim one.

A written return is to be served and filed on or before July 30, 2004.

Votes: George, C.J., Kennard, Baxter, Werdegar, Brown and Moreno, JJ.

S124286

B164118 Second Appellate District,
Division Three

SNOWNEY v. HARRAH'S ENTERTAINMENT
Petition for review granted

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S124719

E035717 Fourth Appellate District,
Division Two

VALDEZ v. S.C. (PEOPLE)
Review granted; transferred to CA 4/2 to issue alt. writ

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its order denying prohibition and to issue an alternative writ on the question of whether the current prosecution for carjacking is barred under *Kellett v. Superior Court* (1966) 63 Cal.2d 862 and Penal Code section 654 to be heard before that court when the proceeding is ordered on calendar. Pending further order of the Court of Appeal, all proceedings in Riverside County Superior

Court, RIF-115036, entitled People v. Cale Michael Valdez, are stayed.

Votes: George, C.J., Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S125122

G033875 Fourth Appellate District,
Division Three

MIX v. S.C. (BEHNIWAL)

Review granted; transferred to CA 4/3 to issue OSC

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno, JJ.

S124772

B166704 Second Appellate District,
Division Eight

WILSHIRE STATE v. ST. PAUL MERCURY

Petition ordered withdrawn

Pursuant to written request of petitioner the above-entitled petition for review is ordered withdrawn.

S125082

D044214 Fourth Appellate District,
Division One

POPE v. S.C. (HARRIS)

Petition ordered withdrawn

Request for judicial notice denied.

Pursuant to written request of counsel for petitioners, the above-entitled petition for review is ordered withdrawn.

S123891

D040651 Fourth Appellate District,
Division One

KREUTZER v. METABOLIFE INTERNATIONAL

Petition for review & publication request denied

S124107

B174080 Second Appellate District,
Division Three

MERCK & COMPANY v. S.C. (ADAIR)

Petition for review denied

Request for judicial notice denied.
Chin, J., was recused and did not participate.

S124185

D041199 Fourth Appellate District,
Division One

RESIDENTIAL CAPITAL v. DO (MARIETTE)
Petition for review denied

S124218

D038856 Fourth Appellate District,
Division One

PARDEE CONSTRUCTION v. JELD-WEN, INC.
Petition for review & publication request denied

S124290

B172301 Second Appellate District,
Division Eight

STONE BOARDWEAR INC. v. S.C. (ACTIVE
WALLACE GROUP)
Petition for review and application for stay denied

S124301

C046586 Third Appellate District

JOHNSON (BRYAN) ON H.C.
Petition for review denied

S124329

B173979 Second Appellate District,
Division Two

CHANDLER (MICHAEL) ON H.C.
Petition for review denied

Brown, J., was recused and did not participate.

S124373

B174182 Second Appellate District,
Division Three

LIU v. S.C. (WU)
Petition for review denied

Request for judicial notice granted.

S124396

B171549 Second Appellate District,
Division One

TESORIERO v. S.C. (TESORIERO)
Petition for review denied

S124407

G031447 Fourth Appellate District,
Division Three

CHELSEA COURT CONDO HOMEOWNERS ASSN
v. WNP CONSTRUCTION
Petition for review & publication requests denied

S124414

B162351 Second Appellate District,
Division Six

LOPEZ v. VIA RUBIO, LLC
Petition for review denied

S124465

F042031 Fifth Appellate District

ARMSTRONG PETROLEUM CORP v. TRI-VALLEY
OIL & GAS COMPANY
Petition for review denied

S124676

A098387 First Appellate District,
Division Four

PEOPLE v. LEWIS

Petition for review denied

S124684

F045385 Fifth Appellate District

MARIN (PHILIP) ON H.C.

Petition for review denied

S124691

B170047 Second Appellate District,
B158441 Division Three

WHEATON (GENE PAUL) ON H.C.

Petition for review denied

S124693

B169276 Second Appellate District,
Division Eight

BEARMAN v. S.C. (JOSEPH)

Petition for review denied

S124720

D040874 Fourth Appellate District,
Division One

PEOPLE v. PRE (REYNANTE)

Petition for review denied

S124721

C044357 Third Appellate District

CANAL INSURANCE COMPANY v. TACKETT

Petition for review denied

S124747

B162722 Second Appellate District,
Division Two

PEOPLE v. SAMUEL

Petition for review denied

S124752

B163233 Second Appellate District,
Division Three

PEOPLE v. TIMBERLAKE

Petition for review denied

S124755

D042646 Fourth Appellate District,
Division One

PEOPLE v. CONATE

Petition for review & publication request denied

S124779

B162571 Second Appellate District,
Division Eight

PEOPLE v. MELCHOR

Petition for review denied

S124784
C042209 Third Appellate District

AMEX CONSTRUCTION v. HART
Petition for review denied

S124788
A096854 First Appellate District,
Division Three

PEOPLE v. WHEELLOCK
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S124794
B168989 Second Appellate District,
Division Three

OROZCO v. S.C. (PEOPLE)
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S124870
C043828 Third Appellate District

PEOPLE v. BACA
Petition for review denied

S124872
H025989 Sixth Appellate District

PEOPLE v. PURNELL
Petition for review denied

S124879
E032405 Fourth Appellate District,
Division Two

PEOPLE v. REEVE
Petition for review denied

S124886
F044268 Fifth Appellate District

S. (JACOB), IN RE
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed April 8, 2004, which appears at 117 Cal.App.4th 749. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

S124891
F042569 Fifth Appellate District

PEOPLE v. GRIER
Petition for review denied

S124898

B173422 Second Appellate District,
Division Three

DENTSPLY INTERNATIONAL INC. v. S.C.
(GLOVER)

Petition for review denied

George, C.J., was recused and did not
participate.

S124903

E032709 Fourth Appellate District,
Division Two

PEOPLE v. JAMES (CLEO J.)

Petition for review denied

S124906

B131155 Second Appellate District,
Division Four

ASH v. ASH

Petition for review denied

S124913

A101356 First Appellate District,
Division Four

PEOPLE v. CASEY

Petition for review denied

S124941

D040533 Fourth Appellate District,
Division One

PEOPLE v. SALCIDO (JULIAN Z.)

Petition for review denied

S124954

B168496 Second Appellate District,
Division One

PEOPLE v. RANGEL

Petitions for review denied

S124956

B158538 Second Appellate District,
Division Two

KAVAJECZ v. EVANSTON INSURANCE CO.

Petition for review denied

S124976

F042892 Fifth Appellate District

PEOPLE v. GONZALEZ

Petition for review denied

S124981

D041908 Fourth Appellate District,
Division One

PEOPLE v. MUNGER

Petition for review denied

S124983

C043137 Third Appellate District

PEOPLE v. POWELL

Petition for review denied

S125005D039716 Fourth Appellate District,
Division One

PEOPLE v. STANLEY

Petition for review denied

S125019

C041978 Third Appellate District

PEOPLE v. BUTTE

Petition for review denied

S125023B168565 Second Appellate District,
Division Four

PEOPLE v. RICE

Petition for review denied

S125025

C043225 Third Appellate District

PEOPLE v. ARMBRUSTER

Petition for review denied

S125030D041714 Fourth Appellate District,
Division One

PEOPLE v. BOWMAN

Petition for review denied

S125034

F042482 Fifth Appellate District

PEOPLE v. THOMPSON

Petition for review denied

S125035A102285 First Appellate District,
Division One

PEOPLE v. CRAFT

Petition for review denied

S125037B168959 Second Appellate District,
Division Six

C. (RAUL), IN RE

Petition for review denied

S125038

C043842 Third Appellate District

PEOPLE v. GOMEZ

Petition for review denied

S125050E034423 Fourth Appellate District,
Division Two

M. (KYLE), IN RE

Petition for review denied

S125051

B172459 Second Appellate District,
Division Four

LAVERY v. S.C. (WESTWOOD)

Petition for review denied

S125055

C046577 Third Appellate District

PEOPLE v. BISHOP

Petition for review denied

S125057

H025799 Sixth Appellate District

PEOPLE v. ZAMORA

Petition for review denied

S125067

B166217 Second Appellate District,
Division Five

PEOPLE v. ESTRADA

Petition for review denied

S125069

B161180 Second Appellate District,
Division Eight

ALEMAN v. ALLSTATE INSURANCE CO.

Petition for review & publication request denied.

Chin, J., was recused and did not participate.

S125071

A101342 First Appellate District,
Division Four

DUGAR v. UNITED PARCEL SERVICE, INC.

Petition for review denied

S125080

B165804 Second Appellate District,
Division One

PEOPLE v. ROBINSON

Petition for review denied

S125091

F043999 Fifth Appellate District

S. (MELTON), IN RE

Petition for review denied

S125098

H027252 Sixth Appellate District

PARROTT v. S.C. (PEOPLE)

Petition for review denied

S125099

B162968 Second Appellate District,
Division Four

PEOPLE v. CELIS

Petition for review denied

S125101
C044173 Third Appellate District

PEOPLE v. CEJA
Petition for review denied

S125102
F043030 Fifth Appellate District

PEOPLE v. COLEMAN
Petition for review denied

S125109
D042088 Fourth Appellate District,
Division One

PEOPLE v. JOHNSON
Petition for review denied

S125111
H025620 Sixth Appellate District

C. (THOMAS) IN RE
Petition for review denied

S125113
G031507 Fourth Appellate District,
Division Three

PEOPLE v. ARTEAGA
Petition for review denied

S125115
E035802 Fourth Appellate District,
Division Two

CORTEZ (LARRY S.) ON H.C.
Petition for review denied

S125118
F042843 Fifth Appellate District

PEOPLE v. CATANO
Petition for review denied

Baxter, J., was recused and did not participate.

S125127
A106322 First Appellate District,
Division Three

CALIHAN (KENNETH) ON H.C.
Petition for review denied

S125132
B162464 Second Appellate District,
Division Eight

PEOPLE v. WASHINGTON
Petition for review denied

S125134
A102714 First Appellate District,
Division Two

HOPLAND PUBLIC UTILITY v. MENDOCINO
COUNTY RUSSIAN RIVER FLOOD CONTROL
Petition for review denied

S125136

B168099 Second Appellate District,
Division Five

PEOPLE v. TABATA

Petition for review denied

S125140

H026139 Sixth Appellate District

PEOPLE v. PEREZ

Petition for review denied

S125143

A103251 First Appellate District,
Division One

M. (CRISTINA) IN RE

Petition for review denied

S125144

D042305 Fourth Appellate District,
Division One

PEOPLE v. VILLALPANDO

Petition for review denied

S125148

B167902 Second Appellate District,
Division Two

PEOPLE v. BROWN

Petition for review denied

S125152

B169446 Second Appellate District,
Division Eight

C. (LAZARO), IN RE

Petition for review denied

S125153

F042335 Fifth Appellate District

PEOPLE v. ROBERTS

Petition for review denied

S125156

B169037 Second Appellate District,
Division One

B. (FRANK), IN RE

Petition for review denied

S125158

A103700 First Appellate District,
Division Four

S. (SIDNEY) IN RE

Petition for review denied

S125159

D042304 Fourth Appellate District,
Division One

PEOPLE v. PORTIS

Petition for review denied

S125164

B164978 Second Appellate District,
Division Two

PEOPLE v. MARTIN

Petition for review denied

S125170

C040811 Third Appellate District

PEOPLE v. ROSS

Petition for review denied

S125172

B174778 Second Appellate District,
Division Three

ESPINOZA (RICHARD E.) ON H.C.

Petition for review denied

S125178

B167699 Second Appellate District,
Division Four

PEOPLE v. WILLIAMS

Petition for review denied

S125179

F042666 Fifth Appellate District

PEOPLE v. GUILLEN

Petition for review denied

S125189

H027123 Sixth Appellate District

NATIONAL INSURANCE CRIME BUREAU v. S.C.
(BETESFANDIAR)

Petition for review denied

S125191

B166436 Second Appellate District,
Division One

PEOPLE v. TINAJERO

Petitions for review denied

S125193

C044615 Third Appellate District

PEOPLE v. STROTHER

Petition for review denied

S125195

C042630 Third Appellate District

PEOPLE v. TORRES

Petition for review denied

S125196

B167570 Second Appellate District,
Division Two

PEOPLE v. ESTRADA

Petition for review denied

S125197

B163463 Second Appellate District,
Division Two

PEOPLE v. BUISLAY

Petition for review denied

S125198

G031429 Fourth Appellate District,
Division Three

PEOPLE v. WALSH

Petition for review denied

S125200

B174762 Second Appellate District,
Division Two

MORROW (JAMES) ON H.C.

Petition for review denied

S125201

A103678 First Appellate District,
Division Two

FAERBER v. HYDE LAW CORPORATION

Petition for review denied

S125263

B174870 Second Appellate District,
Division Eight

ARCADIA, CITY OF v. S.C. (CONTRERAS)

Petition for review denied

S125304

F045331 Fifth Appellate District

MCKINNEY (ALONSO) ON H.C.

Petition for review denied

S117597

DUNN (PATRICK O'DALE) ON H.C.

Petition for writ of habeas corpus denied

S117818

GONZALEZ (ERIC LAMONT) ON H.C.

Petition for writ of habeas corpus denied

S118706

BARRIOS (MICHAEL N.) ON H.C.

Petition for writ of habeas corpus denied

S119202

PELCH (BRETT ANTHONY) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119209

VARGAS (JASON M.) ON H.C.
Petition for writ of habeas corpus denied

S119214

SOLAN (MAHADI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119235

ISREAL (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

S119236

SIMS (TOM) ON H.C.
Petition for writ of habeas corpus denied

S119240

CARMINATI (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

S119261

AYALA (JOSE) ON H.C.
Petition for writ of habeas corpus denied on the merits.

S119264

MORENO (LEONARD R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119342

OLUWA (RAS ADISA GAMBA) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S119407

FLOYD (BOBBY JOE) ON H.C.
Petition for writ of habeas corpus denied

S119417

JOHNSON (WILLIAM) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119436

FITCH (KEVIN C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119459

ALLEN (TROY) ON H.C.
Petition for writ of habeas corpus denied

S119516

YOUNG (GREGORY) ON H.C.
Petition for writ of habeas corpus denied

S119519

JONES (GERARD) ON H.C.
Petition for writ of habeas corpus denied

S119534

DEMINGS (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon*
(1953) 41 Cal.2d 756.)

S119548

JENSEN (JAMES) ON H.C.
Petition for writ of habeas corpus denied

S119573

GONZALES (BENITO N.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S119574

FLETCHER (GREGORY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S119599

TINDLE (GARY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

S119600

OLIPHANT (ANDRE L.) ON H.C.
Petition for writ of habeas corpus denied

S119603

MATA (ERIK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S119605

GIBSON (DEAREL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S119606

COLEMAN (RAHSAAN) ON H.C.
Petition for writ of habeas corpus denied

S119608

WALKER (STEVEN E.) ON H.C.
Petition for writ of habeas corpus denied

S119609

PAGE (MICHAEL T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119610

GOMES (LAWRENCE) ON H.C.
Petition for writ of habeas corpus denied

S119677

FUNTANILLA (GREGORIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dexter (1979) 25 Cal.3d 921.)

S119678

BARBEE (MARK K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

S119680

BAKER (CHRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S119683

ABNER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S119684

BOWERS (COLMAN M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S119687

GRIFFIN (JAMES E.) ON H.C.
Petition for writ of habeas corpus denied

S119690

MATTHEWS (JACQUES) ON H.C.
Petition for writ of habeas corpus denied

S121048

FUNTANILLA (GREGORIO) ON H.C.
Petition for writ of habeas corpus denied

S121764

OLUWA (RAS ADISA G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S122599SILAS (MELVIN) ON H.C.
Petition for writ of habeas corpus denied(See *In re Waltreus* (1965) 62 Cal.2d 218.)**S123253**MOLLER (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied**S125154**PAOLETTO (RONALD W.) ON H.C.
Petition for writ of habeas corpus denied**S121049**

C039132 Third Appellate District

SHEYKO v. SAENZ
Depublication request denied**S124656**

C043748 Third Appellate District

C. (CHARLES), IN RE
Publication request denied**S124683**

C043521 Third Appellate District

KISHIBAY v. DENTIST COMPANY INSURANCE
Publication request denied**S124823**D041048 Fourth Appellate District,
Division OneFLETCHER v. QUEST EDUCATION
Publication request denied**S124907**B161167 Second Appellate District,
Division OneJOHNSON v. MCDONALD'S CORP.
Publication request denied**S125087**B170167 Second Appellate District,
Division SevenPASSMAN v. LIPP
Publication request denied**S125130**A103239 First Appellate District,
Division ThreeG. (ORLANDO), IN RE
Publication request denied**S125430**B158043 Second Appellate District,
Division OnePEOPLE v. BELL
Publication request denied

S118847

GALLOWAY (PAUL) ON H.C.
Extension of time granted

to July 26, 2004 for petitioner to file the
informal response.

S120238

H023584 Sixth Appellate District

PEOPLE v. MODIRI
Extension of time granted

to August 5, 2004 for respondent to file the
answer brief on the merits.

S123238

G030681 Fourth Appellate District,
G030825 Division Three

MW ERECTORS v. NIEDERHAUSER
ORNAMENTAL &
Extension of time granted

to August 9, 2004 for appellant to file the
answer brief on the merits.

S123659

H023778 Sixth Appellate District

BIG CREEK LUMBER v. SANTA CRUZ
Extension of time granted

to August 23, 2004 for appellants to file the
opening brief on the merits.

S124067

E031542 Fourth Appellate District,
Division Two

PEOPLE v. IBARRA
Counsel appointment order filed

Nancy J. King for Appellant Ibarra.
Appellant's brief on the merits shall be served
and filed on or before 30 days from the date
respondent's opening brief on the merits is filed.

S124205

F043067 Fifth Appellate District

B. (DERRICK), IN RE
Counsel appointment order filed

Central California Appellate Program appointed
to represent appellant on his appeal now pending
in this court.
Appellant's brief on the merits must be served
and filed on or before thirty (30) days from the
date of this order.

S034800

PEOPLE v. DEHOYOS (RICHARD L.)

Record augmentation granted in part/denied in part

Appellant's "Motion to Correct or Decertify Record (Punch List Items), and to Suspend Briefing Schedule," filed March 3, 2004, is treated as including a motion to augment the record pursuant to rules 12 and 36.1(c) of the California Rules of Court, and is granted in part and denied in part, as follows:

1) Appellant's request for access to the sealed document identified at 1 C.T. I 43-44 is granted. The clerk of this court is directed to send a copy of the sealed document to counsel for appellant only.

2) Appellant's request for copies of pages 629, 726 and 767 of Volume 3 of the Augmented/Corrected Clerk's Transcript is granted. The clerk of this court is directed to transmit Volume 3 of the Augmented/Corrected Clerk's Transcript to the superior court. The superior court is directed to determine whether pages 629, 726 and 767 exist and, if so, to supply copies of the pages to this court and to counsel for both parties.

3) Appellant's request for a copy of page 3609 of Volume 11 the Augmented/Corrected Clerk's Transcript is granted. The clerk of this court is directed to send copies of this page to counsel for both parties.

4) Appellant's request for correction of page 287 of Volume 2 of the Augmented/Corrected Clerk's Transcript is granted. The superior court is directed to determine whether the final line of the original document reproduced at page 287 is legible and, if so, to supply legible copies to this court and to counsel for both parties.

5) Appellant's request to be supplied with a copy of the contents of the sealed envelope labeled "supplemental report" found in file 7 of the trial exhibits is granted. The superior court is directed to locate and identify this document and, if it was admitted into evidence, refused or lodged and its disclosure is not otherwise prohibited, to supply a copy to appellant if the court has not already done so. (See Cal. Rules of Court, rule 34.1(a)(3).) If disclosure of the

document is prohibited, the superior court is directed to explain its reasons for non-disclosure.

6) Appellant's request for correction of 18 R.T. I 4057-4058 and 27A R.T. II 6173-6174 is denied. The clerk of this court is directed to send copies of 18 R.T. I 4003-4058 and 27A R.T. II 6173-6200 to counsel for both parties.

7) Appellant's request to correct a pagination error in Volume 28 of the Reporter's Transcript of the first trial is denied. The clerk of this court is directed to send copies of 28 R.T. I pages 6410 through 6501-113 to counsel for both parties.

8) Appellant's request for correction of AA R.T. I 5107, line 16, and AA R.T. I 5137, lines 22-23, is granted. The clerk of this court is directed to transmit Volume AA of the Reporter's Transcript of the first trial to the superior court. The superior court is directed to order the court reporter to correct these lines, to allow counsel an opportunity to review the corrected pages, and to send copies of the corrected pages to counsel for both parties and to this court. If the correction changes the pagination of other pages in the volume, the superior court is directed to send copies of all changed or repaginated pages to counsel for the parties and to this court.

9) Appellant's request to settle the record with respect to any oral proceedings on August 22, 1990, is granted. (See 1 C.T. I 53; 1 R.T. I 28-29.) Appellant's request to augment the record with any written orders from that date is also granted. The clerk of this court is directed to transmit Volume 1 of the Clerk's Transcript of the first trial and Volume 1 of the Reporter's Transcript of the first trial to the superior court. The superior court is directed to determine whether any oral proceedings were conducted in relation to the minute order of August 22, 1990 (1 C.T. I 53; see also 1 R.T. I 28-29). If oral proceedings were conducted, the superior court is directed to conduct such record settlement proceedings as may be necessary. The superior court is further directed to determine whether any written order relating to the minute order of

August 22, 1990, exists, and, if so, to supply copies to counsel for the parties and to this court.

The superior court must complete all necessary proceedings, and must return to this court all volumes of the transcript hereby transmitted, by August 30, 2004.

In all other respects, the motion is denied.

S027766

PEOPLE v. COLE (STEPHEN)
Order filed

On the court's own motion, the Clerk is directed to unseal the following: (1) Reporter's Sealed Transcript of Proceedings, January 17, 1992, pages 142 through 152; (2) Reporter's Sealed Transcript of Proceedings, March 25, 1992, volume 3-1, pages 380-389; and (3) Reporter's Sealed Transcript of Proceedings, March 25, 1992, volume 3-2, pages 478-499.

S034800

PEOPLE v. DEHOYOS (RICHARD L.)
Order filed

Appellant's "Motion to Recall (or Decertify) Record due to Incompleteness and to Suspend Briefing Schedule," filed on March 5, 2003, is treated as including a motion to augment and correct the record on appeal pursuant to rules 12 and 36.1(c) of the California Rules of Court, and is granted in part and denied in part, as follows:

1) Appellant's request to augment the record with the minute orders dated April 25, 1996, October 4, 1996, and November 1, 1996, is denied; however, the clerk of this court is directed to send copies of those minute orders (2 Aug. C.T. 284, 287, 288) to counsel for both parties.

2) Appellant's request to augment the record with reporter's transcripts or to settle the record with respect to the proceedings on April 25, 1996, October 4, 1996, and November 1, 1996, is denied; however, the clerk of this court is directed to send copies of the reporter's

transcript of the October 4, 1996, hearing (Reporter's Augmented Transcript [Correction Hearing Proceedings], Vol. 1-A, cover page and pages 21.4 through 21.16), to counsel for both parties.

3) Appellant's request to augment the record with reporter's transcripts or to settle the record with respect to oral proceedings related to fee and expense matters is granted in part. The clerk of this court is directed to transmit Volume 2 of the Augmented/Corrected Clerk's Transcript to the superior court. The superior court is directed to determine whether any oral proceedings were conducted in relation to the "Non-Death Court Order re: Attorney's Fees" dated December 14, 1993 (2 Aug. C.T. 282-283). If oral proceedings were conducted, the superior court is directed to order the court reporter to produce a transcript and, if no transcript is available, to conduct such record settlement proceedings as may be necessary. The superior court must complete all necessary proceedings, and must return Volume 2 of the Augmented/Corrected Clerk's Transcript to this court, by August 30, 2004.

In all other respects, the motion is denied.

S122923 /
S122865

LOCKYER v. CITY OF SAN FRANCISCO
LEWIS v. ALFARO
Motion denied

The Motion to Lift the Stay of Superior Court Proceedings filed by petitioners in *Lewis v. Alfaro* on June 9, 2004, and the Amended Motion to Lift the Stay of Superior Court Proceedings filed by petitioners in *Lewis v. Alfaro* on June 21, 2004, are denied.

S125859

DRURY v. S.C. (PEOPLE)
Transferred to CA 2

S049389

PEOPLE v. THOMAS HOWARD LENART
Order filed

Court's 150-day statement

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

The written motion of the Committee of Bar
Examiners that the following named
applicants, who have fulfilled the
requirements for admission to practice law
in the State of California, be admitted to the
practice of law in this state is hereby
granted, with permission to the applicants to
take the oath before a competent officer at
another time and place:

(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)

